

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

ASSENTED-TO MOTION TO EXCLUDE TIME  
FROM SPEEDY TRIAL ACT COMPUTATIONS

The United States, with the assent of both defendants, hereby moves that, pursuant to 18 U.S.C. §§ 3161(b) and 3161(h)(8), the period between July 23, 2003, and October 19, 2003, be excluded from all Speedy Trial Calculations (including any calculations made pursuant to 18 U.S.C. §3161(b)). As grounds therefore, the parties state as follows:

1. On July 23, 2003, defendants, John Melo and Gregory Warren, were charged by complaint with conspiracy to distribute five kilograms or more of cocaine, a Schedule II controlled substance, in violation of 21 U.S.C. §§ 846 & 841(a)(1). At defendants' initial appearance, which occurred the same day, the government moved for an order of detention pending trial and further moved to continue the detention hearing until July 25, 2003. The government's motion for a continuance was granted.

2. On July 25, 2003, both defendants moved for a further continuance of the detention hearing until August 14, 2003. The motion was granted. On August 14, 2003, both defendants had a detention hearing, and the Court took the matter under

advisement. On August 19, 2003, the Court issued a memorandum and order directing that both defendants be detained pending trial.

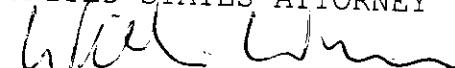
3. In addition, the parties are engaged in ongoing discussions regarding a possible resolution of this matter that would obviate the need for the return of an indictment. The parties therefore believe that the ends of justice served by extending the time in which an indictment must be filed outweigh the best interests of the public and the defendants in a speedy trial.

4. Based on the foregoing, the government hereby moves that the period from July 23, 2003 through August 14, 2003, be excluded from the Speedy Trial Act calculations pursuant to 18 U.S.C. § 3161(h)(1)(F); that the period from August 15, 2003, through August 19, 2003, be excluded from the Speedy Trial Act calculations pursuant to 18 U.S.C. § 3161(h)(1)(J); and that the period from August 20, 2003, through October 22, 2003, be excluded from the Speedy Trial Act calculations pursuant to 18 U.S.C. § 3161(h)(8)(A).

The government is authorized to state the both defendants, through their respective counsel, assent to this motion.

Respectfully submitted,

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By: 

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CERTIFICATE OF SERVICE

A copy of this motion was served by first-class mail upon John Melo's counsel, John E. MacDonald, Esq., Larochelle & MacDonald, Inc., 15 Westminster Street, Suite 630, P.O. Box 1530, Providence, RI 02901, and upon Gregory Warren's counsel, Paul D. DiMaio, Esq. and Priscilla Facha DiMaio, Esq., 215 Broadway, Providence, RI 02903, this 11<sup>th</sup> day of September, 2003.

  
WILLIAM D. WEINREB

Assistant U.S. Attorney